

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROY DEN HOLLANDER, :
: Plaintiff, :
: :
: -against- : 10 Civ. 9277 (LTS) (HBP)
: : *E.C.F. Case*
MEMBERS OF THE BOARD OF :
REGENTS OF THE UNIVERSITY OF :
THE STATE OF NEW YORK, in their :
official and individual capacities, *et al.*, :
: Defendants. :
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PLEASE TAKE NOTICE that defendants the Board of Regents of the University of the State of New York ("Regents"); Meryl H. Tisch, Chancellor of the Board of Regents; David M. Steiner, Commissioner of the New York State Education Department ("SED"); and Elsa Magee, President of the New York State Higher Education Services Corporation ("HESC") (collectively the "State Defendants")¹ will move this Court at the Courthouse, 500 Pearl Street, New York, New York 10007, on a date and time to be determined by the Court, for an order dismissing the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, together with such further relief as the Court deems just and proper.

¹ Although the complaint names Chancellor Tisch, Commissioner Steiner, and President Magee in their individual and official capacities, the complaint seeks only injunctive relief of the type properly brought against state officials solely in their official capacities. See Hafer v. Melo, 502 U.S. 21, 27 (1991); Ex Parte Young, 209 U.S. 123, 154 (1908).

Dated: New York, New York
January 14, 2011

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By:

/S/

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